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THE CHILD LABOR LAWS OF THE OHIO VALLEY

BY HON. J. H. MORGAN,

Chief Inspector of Workshops and Factories in the State of Ohio.

Six great states lie along the banks of the Ohio River, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana and Illinois, and we behold, for its full length, from Pittsburg to Cairo, and stretching in either direction, a continuous line of shops and factories. The wheels are buzzing and the stacks are belching forth great volumes of smoke day and night, for many plants do not stop even for the Sabbath day. And, in passing, I would say I believe this to be a great menace to our American institutions. Men who have regard for God and the Sabbath are not so likely to go wrong in their dealings with their fellowmen. Strange it is that in this great country, and in this century, we have men who, in their individual characters, seem to be above reproach, but as captains of industry resort to chicanery and false principles in their conduct of business. If the Golden Rule instead of the rule of gold were their guide in industrial life, we would have no need for child labor laws.

As might be expected, the industries pursued in these neighboring states are very similar, but the laws governing the employment of minors in them are dissimilar in many respects. This variance in the laws makes it more difficult to enforce the provisions along the border lines than in the interior of the states; the burden, of course, falling upon those having the more stringent laws. We find, too, that public sentiment in such districts is generally with the state having less stringent laws.

I would say that such comparisons as I may make of the laws of the different states are not made in a spirit of unfriendly criticism, but with a view of bringing out the facts pointedly to show the great need of a uniform law that is at once practical and enforceable, for we must consider what is enforceable as well as what is practical. Public sentiment must support the law in order

that it may be successfully enforced; otherwise the department under whose jurisdiction it is placed will either become derelict in its duty by not enforcing its provisions, or, through rigid enforcement, in spite of adverse sentiment, cause the repeal or radical amendment of the law. It is better, then, to progress slowly and surely than to run the risk of losing much by forcing a law on the people that is too far in advance of public sentiment. This, however, need not prevent our having our ideal law on a much higher plane, nor keep us from doing our best to create public sentiment to that standpoint. Simply because we have a good law, it is no reason we should stop there.

Indiana, Illinois, Pennsylvania and Ohio occupy common ground in providing that children under the age of fourteen years shall not be employed in workshops, factories, mercantile or other establishments at any time. In West Virginia the age is fourteen during the school term, which, in at least half the counties, is not more than five months in the year. During the remainder of the year minors may be employed at the age of twelve years. In Kentucky the age for factory, shop, mill and mine is fourteen years; this age also applies to mercantile establishments, telegraph, telephone and messenger service, laundries and printing establishments, except during vacation of the public schools, when there is no age limit for this class of work. This, therefore, is the common ground on which all of the so-called Ohio Valley states meet, for while it is true that two of the states have made certain exceptions to the fourteen-year limit, it is good to know that we agree on the principle, and that we may look forward, and at no distant day, to see these two, as well as every other state in the Union, say to the workshops and factories, "You cannot rob the schoolhouse nor the playground of any child under the age of fourteen years at any time."

Having seen, with two exceptions, that we agreed to fourteen years being young enough for a child to leave school to become little old men and women by becoming breadwinners, let us look at some of the special provisions which have been passed governing night work and other conditions. West Virginia has no restrictions on night work, which means that children twelve years of age may be employed to work at night during the six or seven months that

the public schools are not in session. Kentucky prohibits boys and girls under sixteen years of age from working later than seven o'clock in the evening or earlier than six in the morning. Pennsylvania prohibits children under sixteen years of age from being employed later than nine in the evening or earlier than six in the morning, with the exception, however, that boys over fourteen may, in certain industries, work at night, but the work hours in such cases are not to exceed nine in number. The laws of Illinois prohibit boys and girls under sixteen from working between the hours of seven in the evening and seven in the morning. The State of Indiana prohibits the employment of her women and girls from ten at night until six in the morning; her boys, however, may be employed at night at the age of fourteen, the same as during the day. In Ohio boys under sixteen and girls under eighteen are prohibited from working later than seven in the evening and earlier than six in the morning.

West Virginia has no limit as to the number of hours a minor may work in a day or week. Kentucky restricts minors under the age of sixteen years from working more than ten hours a day or more than sixty hours in a week. Pennsylvania prohibits females and boys under sixteen years from working more than twelve hours in any one day or more than sixty hours in one week. Indiana prohibits girls under twenty-one and boys under eighteen from working more than ten hours a day or more than sixty hours a week. The Illinois law provides that no minor under the age of sixteen years shall be employed more than eight hours in any one day nor more than forty-eight hours in one week. In Ohio minors under the age of eighteen years are prohibited from working more than ten hours in one day or more than fifty-five hours in one week. The purpose for which the fifty-five hour clause in the Ohio law was enacted has not, in the main, been fully realized. It was to provide for the Saturday half-holiday. I am inclined to believe better results would be secured if we could have each day's work stand for itself. When the inspector visits a factory in the middle of the week, he ought not to be required to determine what the effect of the work hours of that day will be in the sum total several days hence, and besides, it is out of the question for him to be at very many places on Saturday at noon to see whether the law is violated or not. One factory will work nine hours each day of the

week, and another ten hours for five days, and five on one day, and both factories will comply with the law in so doing. To be effective each day should stand for itself and define clearly the number of hours a day required, which, in my opinion, should not be more than eight for boys, girls and women. No good reason can be given for taking a mortgage on our future citizenship by employing minors and their mothers for long hours in workshops and factories.

West Virginia has no restrictions applying to employment of minors at dangerous machinery. Kentucky provides that no child under sixteen years of age shall operate an elevator, or sew or assist in sewing belts. In Indiana boys under sixteen and girls under eighteen are prohibited from operating dangerous machinery, and no person under eighteen is allowed to operate an elevator. In Illinois, Pennsylvania and Ohio the laws prevent minors under the age of sixteen years from operating dangerous machinery, including elevators. While the Ohio law prevents the employment of minors under sixteen at dangerous machinery or where their health is likely to be injured or their morals depraved, it does not specify what machinery is dangerous, nor in what kinds of establishments their health is likely to be injured or their morals depraved. I would, therefore, recommend the passage of the Illinois law, which specifies these occupations, but would add to that list the handling and manufacture of tobacco and all places where intoxicating liquors are manufactured and sold.

Minors under the age of sixteen years may not be employed in Pennsylvania and Ohio unless they furnish an age and schooling certificate, properly issued, showing that they can read and write simple sentences in the English language. The same law applies in Indiana, unless the child is blind, and except for employment in vacation. In Illinois illiterates under the age of sixteen may not be employed unless they attend day or night school during employment. The English language, however, is not specified. West Virginia and Kentucky have no educational requirement.

You will note there is not so much uniformity in the laws of these states governing night work and the number of work hours in a day and week, and therefore there is greater difficulty in enforcing these provisions along the border lines of the states. The laws governing employment at dangerous machinery are very similar, and, with the exception of West Virginia, which has no

provision whatever, this group of states has practically agreed that sixteen years is the lowest age at which the responsibility of operating dangerous machinery can be placed with any degree of safety. There is also more uniformity regarding the educational requirements.

In all these states the compulsory education laws dovetail into the child labor laws, and require that the child shall attend school the entire school year, which, in some states, is entirely too short. There is one section of our Ohio school law which is especially worthy of consideration in connection with a discussion of this subject. It reads as follows:

Sections 4022-9. (Relief to enable child to attend school required time.)

When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child, or its parent or guardian, refuse or neglect to take advantage of the provisions thus made for its instruction, such child may be committed to a children's home or juvenile reformatory, as provided for in sections 4022-9 of the revised statutes of Ohio. In all cases where relief is necessary it shall be the duty of the board of education to furnish textbooks free of charge, and said board may furnish any further relief it may deem necessary, the expense incident to furnishing said books and the relief to be paid from the contingent funds of the school district.

The operation of this law would practically mean public school pension, provided by taxation, for those who are entitled to it, in order that we may have an educated, though poor, people.

You will observe there is a wide range in the requirements of the laws of these six states, from the one allowing children of twelve years to be employed more than half the year, without any restrictions whatever relative to the number of work hours, dangerous machinery, night work or educational requirements, to the law which, when rigidly enforced, practically raises the age to sixteen and eighteen years, with restrictions even then as to the number of work hours.

It is no wonder, then, with this great divergence in the laws governing the employment of minors, that we hear manufacturers threaten to move their factories to states where they are shown more consideration. And what does this mean, except that manufacturers who can make use of child labor are not averse to the bargain-hunting fever, and are willing to move their entire plants across the borders into states whose less stringent laws heap the bargain counters with thousands of children whose labor is a great money-saving and dividend-producing factor? Whatever other inducements localities or states have to offer industrial enterprises, the sacrifice of childhood should not be added. I do not say this from a sentimental standpoint alone, but rather from the selfish point of view that our states and the Union must be preserved and their future assured by protecting the children who are too young to realize how much depends upon them. This alone should be incentive enough to all patriotic people to not only insure their hearty support of such child labor legislation as we have, but to demand better from time to time. I do not mean that children should be encouraged in idleness, but that they should not be deprived of their playtime, nor the opportunity of growing into well-developed and healthy young men and women, capable of assuming and discharging the duties that will devolve upon them.

There are those who advocate and believe that sixteen years should be the minimum age when a child should be allowed to begin to work, and there are many good reasons that can be advanced favoring such legislation. But we must keep in mind the general welfare of all, remembering that state laws apply to the small cities and towns and to the rural districts, as well as to the large cities. I am not sure but what, if our state constitutions would permit, it would be a very good plan to have a general law applicable to the entire state, and then vest the cities with authority to pass such ordinances in advance of the state laws as public sentiment would support. As I have said before, it is well to have an ideal law as a goal, but we must be careful about forcing too radical a law on the people, especially as it could not, in all probability, be passed in adjacent territory.

Industrially, as well as geographically, we of the Ohio Valley are one people, and our laws should be uniform, not only that they

may be the easier enforced, but in justice to the manufacturers who pursue the same industries in the several states, and therefore come into close competition one with another. I should not, however, be willing to see any state lower its present standard to secure this uniformity of law, and do not believe it will be necessary. To be effective, the child labor law should be simple, practical and enforceable, and I present the following as a good working foundation upon which to build:

1. No child under fourteen years of age shall be employed, regardless as to time, occupation or conditions.

2. Boys under sixteen and girls under eighteen years of age shall not be employed after 7 p. m. nor before 6 a. m., nor at any occupation that is dangerous to life, injurious to health or likely to deprave morals. (The list of occupations should be stated clearly in the statute, and made to include all places where intoxicating beverages are manufactured or sold, as well as all the tobacco industries.)

3. Minors under eighteen years of age shall not be employed for a longer period than eight hours in any one day, nor more than forty-eight hours in one week.

4. Minors between the ages of fourteen and eighteen years shall present age and schooling certificates issued under the direction of the superintendents of public schools, same to be kept on file in the office of the establishment where employed.

5. A child desiring a certificate must appear before the superintendent of schools, accompanied by one of his parents, or a guardian, who shall have an employment slip certifying that the child has work to go to, and who shall also be required to certify that the child's wages are necessary for his support. The superintendent shall be authorized to inquire into the facts, and if in doubt as to the worthiness of the claimant, shall refuse the certificate, and require the attendance of the child at school. If the certificate is granted, the child shall be required to sign it in his own handwriting in order that it may be used for the purpose of verification.

6. Employers of minors between fourteen and eighteen years of age shall keep a register containing the name, age, birthplace and residence of every such minor, same to be open to the inspection of authorized officers.

7. The inspector shall have authority to take any child into custody, or require it to leave the establishment, in the event of his refusal to give name and age when there is reasonable ground for doubt as to the child's being of legal age.

8. A physical standard should be required as well as a mental.

I would also suggest that the compulsory education laws be enforced by state officers instead of local, and that these state officers be required to enforce all the provisions of the child labor and compulsory school laws, and to thoroughly investigate any cases which would come within the provisions of the public school pension fund, mention of which has previously been made. These pensions should be paid only on the order of the chief inspector and the secretary of the state board of charities, and, when countersigned by the commissioner of common schools, the fund would thus be protected from those unworthy.

It is my opinion, too, that the age and schooling certificates should be issued from one central source, and not, as in some states, by any person who chances along, including the chief factory inspector and his entire force, the school superintendents, teachers and notaries public. Notwithstanding the fact that we have had some rather peculiar experiences in this matter, I am still inclined to believe that the superintendent of public schools is the one best qualified to have supervision over the issuing of certificates. The only place where I think discretionary power should be vested in any of this work is with the superintendent, when, if in his judgment, the best interests of the child will be subserved, and the home conditions will warrant it, he should have the authority to refuse a certificate, even though the child is past fourteen years of age. This is my reason for requiring one or the other of the parents, or a guardian, to accompany the child, so that the superintendent may get the facts. The only danger is that this power might be abused where a superintendent were financially interested in a factory or workshop, or where a board of education would be, and exert an influence over the superintendent.

In this connection it might not be out of place to refer to some cases we have found. We have taken up certificates on the face of which it was shown that the ages were furnished by friends or neighbors. In one case a mere statement was made that the five

boys, whose names were not given, were qualified to work. This, too, in face of the fact that every superintendent of schools and board of education has been supplied with a copy of the certificate formulated by the commissioner of common schools in accordance with the law. This condition is not general, however, and I am glad to say that our superintendents of public schools are taking more interest in this matter than in former years, and giving us their support in the work.

I sincerely believe the Ohio law should be amended so that parents or guardians could be prosecuted for falsifying as to the age of minors, for until parents and guardians are made to understand that they are just as liable to prosecution as the employers, we will have more or less trouble with this particular feature of the law. A great help in this direction would be the passage of a law requiring the reporting of vital statistics, which, when available, would insure the employer against those people who will even perjure themselves to secure work. It would, of course, be years before any benefit could be derived from such records, but if we fail to make a beginning, we never shall have any corroborative evidence. One of the chief elements of success in any law is the enforcement thereof. It has long ago been learned that a social evil is not remedied merely by making it illegal. Each of these six states has departments organized whose duty it is to enforce these laws, but very few of them have anything like an adequate force of inspectors to perform the work in the creditable manner which should be required. I know this is true of Ohio, and while we have had some severe and unfair criticism, my only surprise is that we have fared as well as we have, considering how few people have any conception of the magnitude of the work performed by the Ohio department. One of the great needs in Ohio, and I doubt not in other states as well, is a large increase in the number of inspectors, a fair percentage of whom should be good, competent women. The true woman, in the factory as elsewhere, is modest, and it can be readily appreciated that if abuses are practiced that not half the story will be told to a man. A woman's wrongs will be more plainly told and effectually to one of her own sex.

The character of the work of these departments is such that men and women should neither be appointed nor retained in the

service who are not in hearty accord with the work, and fully competent to fulfil the duties imposed upon them. The tenure of office should be assured against political or powerful influences, and officials should be upheld for performing their duty in enforcing the law.

It is not enough to enact laws. The work is then but half done. We must have officers whose special duty it is to see that the laws are enforced, and they must be backed up by an enlightened and enthusiastic public sentiment in order to secure the best results. This work of creating public sentiment favorable to the passage and enforcement of good laws can only be accomplished through the combined efforts of such organizations as the National Child Labor Committee, the Consumers' League, the trades unions, and the whole backed up by the Christian influence of the church.

The Great Teacher called a little child unto Him, and set him in their midst, saying, "whosoever shall receive one of such children in My name, receiveth Me; . . . and whosoever shall offend one of these little ones that believe in Me, it is better for him that a millstone were hanged about his neck and that he were cast into the depth of the sea." May the American people rise in their might, throw off the millstone, and be able to say, as did the Roman mother of old, "These are my jewels."